

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
(Big Stone Gap Division)**

MELINDA SCOTT,

Plaintiff,

v.

WISE COUNTY DEPARTMENT OF  
SOCIAL SERVICES, *et al.*,

Defendants.

**Case No. 2:20-cv-00014-JPJ-PMS**

**Defendant Joshua Moon's  
Response to Motion Filed at Dkt. No. 39**

NOW COMES Joshua Moon, and opposes the Plaintiff's "Motion for an Extension of Time to Serve Summons," which is filed at Dkt. No. 39. In opposition, the defendant states as follows:

1. Defendant Moon incorporates by reference the arguments set forth in Dkt. No. 35, as those arguments relate to the rapidly escalating costs of this litigation, which costs the Plaintiff appears to disregard. Defendant respectfully submits that permitting the Plaintiff to continue to actively litigate against one defendant while other parties remain unserved would only further escalate the costs of this litigation and make a trial on the merits (or even a damages hearing in the current posture of default) inefficient or impossible to conduct.
2. Defendant Moon incorporates by reference the jurisdictional, venue, and *forum non conveniens* arguments set forth in his Motion to Dismiss. Dkt. No. 26. To the extent that this Court lacks jurisdiction or elects not to exercise its jurisdiction on various prudential grounds, permitting the Plaintiff to serve additional defendants would be futile.
3. Defendant Moon further incorporates by reference his arguments relating to the Plaintiff's failure to state a claim. To the extent the Plaintiff wishes to extend the deadline to serve a fatally deficient complaint, her request is futile.

WHEREFORE, Defendant Moon requests that this Court deny the Plaintiff's Motion filed at Dkt. No. 39.

Respectfully submitted this the 4<sup>th</sup> day of January, 2021,

JOSHUA MOON

By Counsel:

/s/Matthew D. Hardin

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**Certificate of Service**

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I have also deposited a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott  
2014PMB87  
Post Office Box 1133  
Richmond, VA 23218

Dated: January 4, 2021

/s/Matthew D. Hardin

Matthew D. Hardin

*Counsel for Joshua Moon*